

Appl. No. : 10/646,097
Filed : August 22, 2003

REMARKS

This is responsive to the Examiner's Office Action mailed September 6, 2006. None of the claims have been amended. Thus, Claims 46-99 remain pending in this application.

The Examiner issued a Restriction Requirement and asserted that the claims are directed to three patentably distinct species as follows:

- Species A: Embodied in Claims 59-72;
- Species B: Embodied in Claims 73-86; and
- Species C: Embodied in Claims 87-99.

Though Applicant does not necessarily acquiesce to the basis of this Restriction Requirement, to advance prosecution, Applicant hereby elects Species A Claims 59-72. Claims 73-99 have been withdrawn. Claims 46-58 were previously withdrawn.

Applicant would like to point out that each of elected Claims 59-72 and withdrawn Claims 73-99 recite a "magnetorheological damper." Accordingly, Applicant respectfully requests the Examiner to reconsider the Restriction Requirement and consider reinstatement of Claims 73-99 for examination on the merits. Applicant further requests the Examiner to consider reinstatement and examination of Claims 46-58.

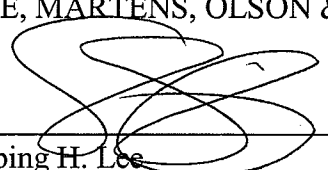
CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10-5-06

By: 
Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404